

REMARKS

Claims 57-60, 62, and 64-74 are pending in this application. Claims 57, 58, 67, 68, 70-72, and 74 have been amended. These amendments are supported throughout the subject specification, especially at pages 8-16.

Applicants thank the Examiner for the very productive interview held on February 16, 2006. The amendments and remarks herein are intended to conform to the agreements reached during that interview.

In particular, the Examiner and Applicants agreed that the amendments made herein are sufficient to distinguish the claimed invention over Thomas.¹ Therefore, no further remarks are believed necessary regarding Thomas.

The Examiner requested remarks concerning the Fernholz patent (5,819,238), previously cited in this case. Fernholz is directed to re-weighting positions in securities held in a portfolio. See Abstract. Although share prices are used to decide how the portfolio should be re-balanced in order to outperform a given index fund (and for deciding whether and when to execute trades), Fernholz fails to teach calculating a fair value for a security after the market has closed. Indeed, the Fernholz system receives share prices from a “real-time market data feed.” See column 18, lines 20-22. Thus, Fernholz is totally unrelated to the present invention and thus can neither anticipate nor render obvious any of the pending claims, either alone or in combination with other cited references.

Two other references provided by the Examiner to Applicants at the February 16 interview are similarly unrelated to the claimed invention.

Bekaert et al. (6,125,355) teaches a pricing module for estimating long-term prices of fixed-income and equity securities for future dates (i.e., for dates later than the date on which the estimation is made). Bekaert uses long-term data such as inflation rates and dividend growth. See column 2, lines 49-59. Thus, Bekaert’s method cannot be used to calculate a fair value for a security between a market’s closing and opening.

¹ The amendments made in this supplemental response and in the preceding response are made solely in order to obtain prompt allowance of the claims being amended, and should not be construed as an admission that the claims are unpatentable over Thomas or other prior art without such amendments.

Breitzman et al. (6,175,824) is directed to a method for selecting securities to include in a portfolio. See Abstract. To make that selection, Breitzman uses "patent indicators" (see column 4, lines 15-54) to obtain a score used to rank companies for possible inclusion in the portfolio. Consequently, although Breitzman is related to Thomas, it is unrelated to the present application.

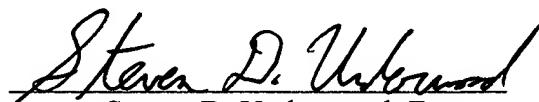
Thus, all of the pending claims are believed to be allowable over the cited references.

No statements made herein are intended to reduce the scope of the claims beyond that dictated by the plain wording of the claims themselves. Arguments regarding claim limitations are intended to apply only to claims explicitly possessing those limitations.

No fee is believed to be due with this Response. However, if any fee is due, please charge that fee to Deposit Account No. 50-0310.

Respectfully submitted,

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